



**Department of
Education**

Richard Carranza, Chancellor

NYC Department of Education
52 Chambers Street
New York, NY 10007

Assistant Commissioner Suriano
New York State Education Department
89 Washington Avenue
Albany, NY 12234

Dear Assistant Commissioner Suriano:

Thank you for your continued partnership and engagement with us on the New York City Compliance Assurance Plan on Special Education. Chancellor Carranza is committed to making system-wide improvements to ensure that every student with a disability in New York City receives appropriate services to prepare them for college, careers or independent living. In April, the City announced an investment of over \$100 million to improve special education programs and services. This includes improvements across many areas including increasing the number of school psychologists, expanding specialized reading intervention programs, creating more innovative program models, as well as more preschool integrated classes.

This increased investment will support our ability to work closely with parents to develop high-quality Individualized Education Programs (IEPs) designed to meet each student's individualized needs. In addition, parents are provided access to due process procedures, including the option to file for an impartial hearing before a NYSED-certified and appointed hearing officer, when a disagreement arises. It should be noted that less than 1% of families of students attending NYCDOE schools file for impartial hearings each year. Even where parents file for an impartial hearing, NYCDOE attempts to resolve parent concerns without the need for litigation whenever possible. For those impartial hearings that proceed, parents and NYCDOE are experiencing major delays due to a shortage in NYSED-certified hearing officers available to hear cases and other issues.

As of Friday, June 14, 2019, there were nine impartial hearing officers in rotation with over 9,000 due process claims filed for school year 2018-2019. As you know, NYSED is the certifying body for hearing officers. We depend on NYSED to canvas for new attorney applicants and to offer a new training class in the near future to increase the number of hearing officers available to hear New York City cases. Given the urgent need to address this shortage, the NYCDOE stands ready to collaborate on the improvement of recruitment and retention processes for impartial hearing officers.

In the attached documents, you will find NYCDOE's response to Section III of the Compliance Assurance Plan, with a deadline of June 17, 2019. This includes an Action Plan to address the issues NYSED raised regarding due process protections, as well as our goals, measures, and action steps and supports needed to address the requirements NYSED laid out.

We recognize that NYSED oversees the impartial hearing process across New York State. It is important to note that New York City's process is different from the rest of the state due to the requirements of the City Charter. We understand that NYSED would like for NYCDOE to reduce unnecessary hearings by authorizing staff to enter into settlements at impartial hearings, but because of the City Charter requirement for Comptroller authority, NYCDOE must undertake a detailed legal and financial review of each case in order to make an informed recommendation for Comptroller approval. In the vast majority of cases, the DOE staff appearing at the hearings do not make this determination. Therefore, NYCDOE cannot authorize its staff to enter into monetary settlements of due process complaints at impartial hearing. NYCDOE will comply with NYSED's guidance for non-monetary settlements. Moreover, NYCDOE is working to expedite the settlement processes where the Comptroller must be involved to reduce the volume of unnecessary due process hearings.

We appreciate your partnership and commitment to discussing solutions to the many complex issues related to Impartial Hearings in NYC including IHO compensation, recruitment, policies and oversight of Impartial Hearing Officers, and mediation. We have found the meetings over the past few months to be productive and are committed to continuing our collaboration with you.

Sincerely,



Karin Goldmark